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remaining states hold that negligence of parents is not to be imputed to the child. *Chicago v. Wilcox, supra.*

**TRADEMARKS—LICENSE TO USE—VALIDITY.**—*LEA v. NEW HOME SEWING MACH. CO.*, 139 FED. 732.—Where a contract licenses the use of a trade mark or name, to be used by the grantee in a business with which the grantor has or has had no connection, *held*, that such contract is a fraud upon the public and therefore void.

This case follows the fundamental rule that a trade mark cannot be assigned nor its use licensed except as incidental to the transfer of the business or property with which it has been used. *MacMahan Pharmacal Co. v. Denver Chemical Mfg. Co.*, 51 C. C. A. 302. And where the whole pecuniary value of a name depends solely upon the personal qualities of the one to whom it belongs, the right to the use of the name is not transmissible. *Hegeman & Co. v. Hegeman*, 8 Daly 1; *Blakeley v. Sousa*, 197 Penn. St. 305. But this rule has been held to apply only when the name is sought to be transferred apart from the business. *Kidd v. Johnson*, 100 U. S. 617; *Booth v. Jarrett*, 52 How. Pr. 169. The whole doctrine of assignability and licensing of trademarks rests upon the consideration whether or not such assignment would operate as a fraud upon the public and if such be the tendency, it will be held invalid. *Manhattan Medicine Co. v. Wood*, 108 U. S. 218; *Connell v. Reed*, 128 Mass. 477.

**TRUSTS—SPENDTHRIFT—ESTATE OF CESTUI QUE TRUSTS.**—*DUBOIS v. BARBOUR ET AL.*, 61 ATL. 752 (R. I.).—*Held*, that, where a trustee is to pay to the *cestuique trust* sums not exceeding a certain amount, it is not a vested interest and is not subject to *cestui's* debts.

Generally in both England and the United States the beneficial interest cannot be so fenced about by restrictions as to secure to it the inconsistent characteristics of right of enjoyment to beneficiary and immunity from creditors. *Brandon v. Robinson*, 18 Ves. 429; *Nichols v. Levy*, 5 Wall. 441. But by the weight of authority in the United States where the trustee has full discretion as to the disbursement of the income the *cestui* takes no present estate and creditors cannot levy. *Bispham Eq.* p. 96. It is in the power of the parent to place property in the hands of trustees free from interference by the *cestui* or creditors. *Leavitt v. Beirne*, 21 Conn. 8. The spendthrift *cestui* can appoint an agent to receive the income to the use but cannot alienate it. *In Re Mehaffrey's estate*, 139 Pa. 276. Neither the accrued income in the possession of the trustee nor the accruing income can be assigned by the *cestui*. *Partridge v. Covender*, 96 Mo. 452. Even though the beneficiary has the right under the will to devise the estate the payment of his debts may be forbidden by the terms of the trust instrument. *Hill v. McRae*, 27 Ala. 175. *Halstead v. Davison*, 10 N. J. Eq. 290, holds that in the absence of fraud by the *cestui* his interest cannot be levied on by creditors even though the disposal of the estate is not at the discretion of the trustee. But, in some states, statutes forbid the curtailing of the right of the creditors by any provisions of the trust. *Trustee v. Rack*, 87 Ky. 116.

**VENDOR AND PURCHASER—UNRECORDED DEED—CONSTRUCTIVE NOTICE.**—*HARMAN v. SOUTHERN RY.*, 51 S. E. (S. C.) 689.—*Held*, that a subsequent purchaser of a tract of land, the owner of which had given a deed to a railroad for right of way, had constructive notice of the right of way of the railroad